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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,369	12/04/2003	Helmut Kanzler	Ruff 18	6380

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EXAMINER

LANGDON, EVAN H

ART UNIT PAPER NUMBER

3654

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/728,369

Applicant(s)

KANZLER, HELMUT

Examiner

Evan H Langdon

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- ~~7) ☒ Claim(s) 1-8 is/are objected to.~~
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/4/03, 5/10/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 1, line 4, "detecting a chain speed" is vague and indefinite. What other structure is being inferentially claimed? Are applicants inferentially claiming a chain and a chain drive? Are applicants inferentially claiming a snow-trail grooming vehicle comprising a winch having a cable and a chain drive?

In regards line 6, "detecting a cable speed" is vague and indefinite. Are applicants inferentially claiming cable attached to the winch? Are applicants inferentially claiming a sensor or means for detecting the chain speed of the chain drive and the cable speed of the winch?

In regards to line 12, "taking into consideration" is vague and indefinite. There is not relationship defined here. It is unclear what is being determined.

In regards to claim 2, line 3-4, "a specifiable highest value" is vague and indefinite.

In regards to claim 2, line 4, "taken into consideration" does not define a clear relationship.

In regards to claim 4, line 3, "amount" is vague and indefinite. It is unclear what amount is being specified here.

In regards to claim 5, line 4, "a direction of the cable speed" is vague and indefinite. Are the applicant's trying to claim the payout angle of the winch?

In regards to claim 5, line 4-5, "taken into consideration" does not define a clear relationship.

In regards to claim 7, line 4, "detecting traveling speed" is vague and indefinite. What other structure is being inferentially claimed? Are applicants inferentially claiming a drive? Are applicants inferentially claiming a snow-trail grooming vehicle comprising a winch having a cable and a drive?

In regards to line 2, "in particular" is vague and indefinite.

In regards line 7, "detecting a cable speed" is vague and indefinite. Are applicants inferentially claiming cable attached to the winch? Are applicants inferentially claiming a sensor or means for detecting the vehicle speed of the drive and the cable speed of the winch?

In regards to line 15, "taking into consideration" is vague and indefinite. There is not relationship defined here. It is unclear what is being determined.

In regards to claim 8, line 2, “means for detecting a chain or track speed” is vague and indefinite. What other structure is being inferentially claimed? Are applicants inferentially claiming a chain and a chain drive? Are applicants inferentially claiming a snow-trail grooming vehicle comprising a winch having a cable and a chain drive?

In regards to line 3, “a magnitude proportional thereto and /or a traveling speed above ground” is vague and indefinite. Are the applicants claims another means for detecting here?

In regards line 4, “means for detecting a cable speed” is vague and indefinite. Are applicants inferentially claiming cable attached to the winch? Are applicants inferentially claiming a sensor or means for detecting the chain speed of the chain drive and the cable speed of the winch?

In regards to line 9, “taking into consideration” is vague and indefinite. There is not relationship defined here. It is unclear what is being determined.

In regards to claims 1, 7 and 8, the method and apparatus claim steps for detecting and determining, a function that can be programmed by someone of ordinary skill. What is the function after the desire value is determined?

Because of the indefiniteness of the claim language and uncertainty as to the scope of the invention, the claims cannot be meaningfully treated with respect to the prior art at this time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3654

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768.

The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ehl

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600